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# HOUSE BROADENS SPYING DEATH LAW

## Backs Executions for Military Personnel in Peacetime

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Special to The New York Times

WASHINGTON, June 27 — The House overwhelmingly approved a measure today that would change military law to permit the death penalty for espionage by members of the armed forces in peacetime.

The measure, an amendment to the Defense Department's military programs bill, is part of a flurry of legislation prompted by Congressional concern over the arrests of three former Navy men and the son of one of them, a sailor, on espionage charges. The Government has said that a spy ring led by John A. Walker Jr. smuggled secret Navy documents to the Soviet Union for about 20 years.

The amendment was adopted on a voice vote and would change military law, known formally as the Uniform Code of Military Justice, to include a peacetime espionage statute. Two similar bills are now being considered in the Senate.

The law would apply to active-duty personnel. Retired military workers could be returned to active duty on order of the military services and court-martialed on espionage charges, making them subject to the death penalty.

The House sponsor, Representative Bill McCollum, Republican of Florida,

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said in an interview that the Walker case "tells us that the punishment laws of this country are inadequate for espionage, the most heinous of crimes."

"We need to go one step further to stop future spies from putting our nation in jeopardy," Mr. McCollum said.

Military officials and civilians convicted of espionage in peacetime now face a maximum penalty of life in prison; the death penalty for espionage can be applied to military personnel only in war. There is no death penalty for spies under civilian law.

Another amendment passed today would provide for a \$25 million increase to \$75 million in the annual budget for background investigations on military personnel who have access to classified information. The amendment also called for the Defense Department to reduce its backlog of cases needing investigation.

Like many his colleagues in Congress, Mr. McCollum said the Walker case demonstrated the need to rewrite the nation's espionage laws. "The Walker case is egregious, but it may have some good results in terms of legislation," he said.

### Defense Department Support

The Defense Department has said that it supports much of the legislation resulting from the case, which has been described as the most damaging spy case uncovered in 30 years.

At the same time, civil rights groups have complained that the legislation, particularly measures that would expand the use of the death penalty and the use of polygraph, or lie-detector, tests, could infringe on individual freedoms.

Earlier this week, the House overwhelmingly adopted a measure that would permit the Pentagon to use lie-detector tests on more than four million military and civilian employees.

The measure, another amendment to the military programs bill, would also require the tests for workers who are granted access to the highest level of classified information. Mr. Walker, a retired Navy warrant officer who is accused of forming the spy ring, had clearance to see top-secret documents over much of his 20-year military career.

The death penalty measure approved today would not affect civilians. Nor could be it be used retroactively against the men arrested in the Walker case. The others are Mr. Walker's son, Michael, his brother Arthur and a friend, Jerry A. Whitworth.

The bill would not alter the punishment for crimes considered less severe

than espionage, such as conspiracy to commit espionage, which now carries a maximum sentence of life in prison. Mr. Whitworth has been charged with conspiracy to commit espionage, and not espionage.

Different penalties applied when Julius and Ethel Rosenberg were executed in 1953 for conspiracy to pass secret to the Soviet Union.

### Proposal Is Criticized

Mr. McCollum's amendment has been criticized by other members of Congress and the American Civil Liberties Union. Representative Don Edwards, Democrat of California, said that the death penalty is "utterly worthless" as a deterrent to espionage.

"Traitors for hire, like killers for hire, do not expect to be caught," said Mr. Edwards, chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights. "For them, the difference between life imprisonment and a death sentence is meaningless."

Allan Adler, a Civil Liberties Union spokesman, said that the Walker case had "created a climate of political urgency, and unfortunately that climate appears to be resulting in rather hasty, ill-advised measures that probably will not prove effective in deterring espionage."

Two bills before the Senate also call for the death penalty in cases of peacetime espionage. One measure, supported by the Senate majority leader, Bob Dole of Kansas, would permit the execution of both civilians and military personnel convicted of spying. The other bill was introduced by Senator Ted Stevens, Republican of Alaska.

### Increase in Inquiries Backed

The House also overwhelmingly approved an amendment today that would require the Defense Department to step up its investigations of people holding high-level security clearances.

The department is supposed to reinvestigate everyone cleared for access to top secret material every five years. But because of backlogs, the investigations are occurring only once every 17 years, on average.

The amendment, sponsored by Representative Les AuCoin, Democrat of Oregon, would increase the annual budget for Defense Department background investigations by \$25 million. Under the measure, the department would also be required to cut its backlog of cases by a quarter.

"What's really incredible is that John Walker had a top secret clearance for 15 years and was never reinvestigated," the Congressman said.

"We have invested hundreds of billions of dollars in improving our defenses," he said. "And now we find that from a lack of resources in the security area, we may have just kissed a big piece of the security of this country away."

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